

DOCKET SECTION

PRESIDING OFFICER'S  
RULING NO. R97-1/39

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING  
DENYING OFFICE OF THE CONSUMER ADVOCATE  
MOTION TO COMPEL

(October 6, 1997)

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

An Office of the Consumer Advocate Motion to Compel Responses to Interrogatories to United States Postal Service Witness Michael K. Plunkett OCA/USPS-T40-14 (in part), 15 (in part) and 19-20 (OCA Motion) was filed September 23, 1997. The Postal Service submitted a reply in opposition on September 30, 1997.<sup>1</sup> The OCA Motion is denied.

Interrogatories OCA/USPS-T40-14 and 15 ask if Postal Service's insurance is regulated by state insurance commissions or a federal agency such as the Federal Trade Commission. Although keyed to the testimony of witness Plunkett (USPS-T40) the questions ask for a factual response as well as for explanations including contrary legal citations. Witness Plunkett replied he was unaware of any such regulation. It is reasonable to assume that the Postal Service would not allow one of its witnesses to respond in a way known to be inaccurate and thus likely to mislead the Commission and confuse the record. Unless such an assumption is incorrect, and the Postal Service knows that the insurance offered by the Postal Service is subject to the type of

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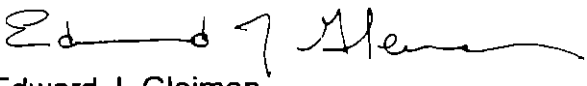
<sup>1</sup> Opposition of United States Postal Service to Office of the Consumer Advocate Motion to Compel Responses to Interrogatories to United States Postal Service Witness Michael K. Plunkett (OCA/USPS-T40-14 (in part), 15 (in part) and 19-20) (Opposition).

regulation described in OCA/USPS-T-40-14 or 15, no additional answer is necessary. If the Postal Service knows that such regulation exists, it should supplement witness Plunkett's answers to clarify the record.

Interrogatories OCA/USPS-T40-19 and 20 ask whether, as to insured and uninsured mailers, the Postal Service has the status of a common carrier or bailee. These are essentially legal questions, rather than questions of fact. While a response might indicate the legal position of the Postal Service, that position would not be controlling on the Office of the Consumer Advocate nor on the Commission. The Postal Service Opposition is correct that OCA can develop this information through normal legal research.

#### RULING

Subject to any steps the Postal Service may need to take to clarify the record, as described in the body of this ruling, the Office of the Consumer Advocate Motion to Compel Responses to Interrogatories to United States Postal Service Witness Michael K. Plunkett OCA/USPS-T40-14 (in part), 15 (in part) and 19-20, filed September 23, 1997, is denied.

  
Edward J. Gleiman  
Presiding Officer

DOCKET SECTION

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 1997 :

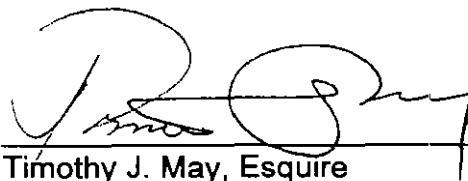
DOCKET NO. PS7-1  
POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

NOTICE OF PARCEL SHIPPERS ASSOCIATION  
CONCERNING CROSS-EXAMINATION OF  
UNITED STATES POSTAL SERVICE WITNESS VIRGINIA J. MAYES  
(USPS-T-37)

The Parcel Shippers Association (PSA) intends to conduct oral cross-examination of witness Mayes' direct testimony, and responses to written cross-examination. The questions will focus on witness Mayes' treatment of Alaska by-pass costs and the proposed 10¢ surcharge on Standard (A) residual pieces. Notice of designation of written cross-examination is provided herewith.

1. OCA/USPS-T37-2, 5, 6, 14, 15, 16.
2. UPS/USPS-T37-27, 29, 30, 34, 66, 67.
3. FGFA/USPS-T37-1-14.
4. PSA/USPS-T37-1, 4, 7, 8, 9.
5. Witness Mayes' Response to POIR No. 1-1(a)(2).

Respectfully submitted,

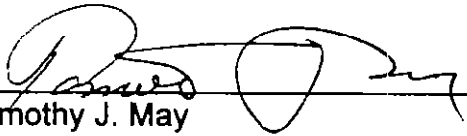


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Counsel for Parcel Shippers Association

Dated: October 6, 1997

### CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.

  
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Timothy J. May

Dated: October 6, 1997